

REMARKS

In response of the Office Action dated June 23, 2004, appellants hereby respond under 37 CFR § 1.111. Claims 1-15 were previously pending in this application. In the Office Action, claims 1, 3-5, and 8-10 were rejected, claims 2, 6, and 7 were objected to and claims 11-15 were allowed.

Please re-examine and reconsider the application in view of the amendments and remarks provided. Claims 1 and 10 have been amended and claims 2 and 3 cancelled. Appellants respectfully request allowance of each of pending claims 1 and 4-15.

I. Allowable Subject Matter

Appellants acknowledge with appreciation the Examiner's indication, in paragraph 6 of the subject Office action, that claims 11-15 are allowed.

II. Claim Objections and Claim Rejections

In the Office Action, claims 2, 6 and 7 were objected to. Claims 1, 3-5 , 9 and 10 were rejected under 35 USC §102(e) as being anticipated by Chooi et al '891 and claim 8 was rejected under 35 USC §103(a) as being unpatentable over Chooi et al in view of Passemard '053.

The Examiner states that claims 2, 6 and 7 would be allowable if rewritten in independent form including all of the limitations of the base claims and any intervening claims. Objected-to claim 2 had previously depended from independent claim 1. Independent claim 1 has been amended and now includes all the limitations of claim 2 and is therefore in allowable form. Claim 2 has been cancelled and claim 3 has also been cancelled. Claims 4-9 depend, directly or indirectly, from amended independent claim 1 and are therefore also in allowable form. The rejection of claims 1, 4, 5, 8 and 9 under 35 USC §102(a) and 35 USC §103(a), should therefore be withdrawn. Claims 1 and 4-9 are in allowable form.

Appl. No. 10/038,371
September 22, 2004
Reply to Office Action of June 23, 2004

Atty. Docket No.: D8143-00331
Gibson 9-6-21-24-18

Independent claim 10 has been amended to recite that each of the first film (a nitrogen-containing substantially oxygen-free film) and the second film (an oxygen-containing, substantially nitrogen free-film) are each formed of silicon carbide. Amended independent claim 10 now recites features that distinguish the appellants' invention from the references of record and the rejection of claim 10 under 35 USC §102(a) as being anticipated by Chooi et al. '891, should be withdrawn. Claim 10 is also in allowable form.

CONCLUSION

Based on the foregoing, each of claims 1 and 4-15 are in allowable form and the application is in condition for allowance, which action is respectfully and expeditiously requested by appellants.

Respectfully submitted,



Mark J. Marcelli, Reg. No. 36,593
Attorneys for Appellants

Dated: September 22, 2004

DUANE MORRIS LLP
One Liberty Place
Philadelphia, Pennsylvania 19103-7396
(215) 979-1250 (Telephone)
(215) 979-1020 (Fax)